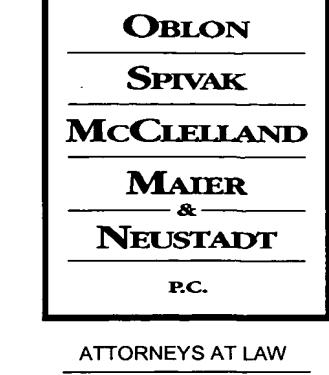




Docket No.: 198462US23

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



RE: Application Serial No.: 09/768,623

Applicants: Paul SUMMER, et al.

Filing Date: January 25, 2001 Allowed: January 22, 2004

For: FLOWABLE COTTONSEED AND METHOD FOR
ITS PREPARATION

Group Art Unit: 1616

Examiner: N. Levy

SIR:

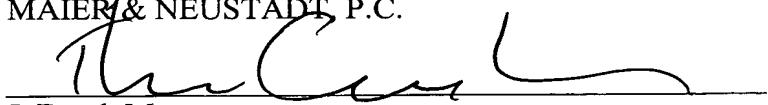
Attached hereto for filing are the following papers:

**Petition Under 37 CFR 1.181; Copy of Date-stamped Filing Receipt, Information Disclosure
Statement, PTO 1449 and 5 cited references filed June 25, 2001**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

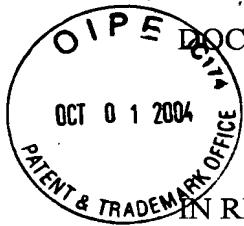

J. Derek Mason
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22850

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Thomas M. Cunningham
Registration No. 45,394



DOCKET NO: 198462US23

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

PAUL SUMMER, ET AL.

: EXAMINER: N. LEVY

SERIAL NO: 09/768,623

: ALLOWED DATE: JANUARY 22, 2004

FILED: JANUARY 25, 2001

: GROUP ART UNIT: 1616

FOR: FLOWABLE COTTONSEED AND
METHOD FOR ITS PREPARATION

:

PETITION UNDER 37 C.F.R 1.181

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Official Communication dated September 21, 2004, applicants hereby petition the Commissioner pursuant to 37 C.F.R. 1.181 to invoke supervisory authority to:

· to consider the last document ("Stoneville Pedigreed") cited on the Information Disclosure Statement filed June 25, 2001.

This issue was discussed with Examiner Levy on September 30, 2004 and it was recommended that the Applicants provide a paper copy of the Stoneville Pedigreed document along with a blank Form 1449 to facilitate consideration of this document. As discussed this document was not considered because a paper copy was missing from the PTO file. The Applicants could not locate scanned copies of these documents in the PAIR system IFW. However, as shown in the attached date-stamped filing receipt paper copies of all five

documents cited on this information disclosure were previously submitted. For the convenience of the Examiner the Applicants attach herewith copies of:

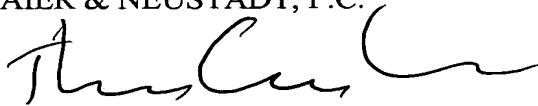
- Stoneville Pedigreed: Operations and Quality, dated August 7, 2000,
- Form 1449 and other papers from the IDS filed June 25, 2001, and
- The date-stamped filing receipt from this IDS indicating that a paper copy of this document was previously submitted to the PTO.

The Applicants respectfully request that the Examiner provide written acknowledgment that the Stoneville Pedigreed document has been considered, prior to issuance of this application as a patent.

Applicants do not believe that any petition fee is due. However, in the event any variance exists between the required petition fees and this amount, please charge or credit the difference to our Deposit Account No. 15-0030.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



J. Derek Mason
Registration No. 35,270

Thomas M. Cunningham
Attorney of Record
Registration No. 45,394

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Dept.: CHEMICAL

By: JDM:ekd

OSMM&N File No. 198462US23

Serial No. 09/768,623

In the matter of the Application of: Paul SUMMER, et al.

For: FLOWABLE COTTONSEED AND METHOD FOR ITS PREPARATION

The following has been received in the U.S. Patent Office on the date stamped hereon:

pp. Specification & Claims/Drawings Sheets
and pages Application Data Sheet (pages,)

Combined Declaration, Petition & Power of Attorney

List of Inventor Names and Addresses

Utility Patent Application Transmittal

Request for Priority

Check for

Fee Transmittal Form

Assignment/PTO 1595 pages:

Letter to Official Draftsman

Letter Requesting Approval of Drawing Changes sheets Formal

Drawings

PTO Cover Letter

Amendment

Information Disclosure Statement

Cited References (5)

Search Report

Statement of Relevancy

IDS/Related/List of Related Cases

Response to Restriction Requirement

Rule 132 Declaration

Request for Extension of Time under 37 C.F.R. §1.136 ()

Notice of Appeal

Appeal Brief

Reply Brief

Issue Fee Transmittal

White Advance Serial Number Card

Small Entity Status is Claimed

CPA

Priority Doc

Dep. Acct. Order Form



Cited Pending Applications ()

Election Response

Due Date: June 25, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Paul SUMMER, et al.

SERIAL NO: 09/768,623

GAU: 1614

FILED: January 25, 2001

EXAMINER:

FOR: FLOWABLE COTTONSEED AND METHOD FOR ITS PREPARATION



INFORMATION DISCLOSURE/RELATED CASE STATEMENT UNDER 37 CFR 1.97

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Applicant(s) wish to disclose the following information.

REFERENCES

- The applicants wish to make of record the references listed on the attached form PTO-1449. Copies of the listed references are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.
- A check is attached in the amount required under 37 CFR §1.17(p).

RELATED CASES

- Attached is a list of applicant's pending application(s) or issued patent(s) which may be related to the present application. A copy of the patent(s), together with a copy of the claims and drawings of the pending application(s) is attached along with PTO 1449.
- A check is attached in the amount required under 37 CFR §1.17(p).

CERTIFICATION

- Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

DEPOSIT ACCOUNT

- Please charge any additional fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit account number 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 10/98)J. Derek Mason, Ph.D.
Attorney of Record
Registration No. 35,270

Form PTO 1449 (Modified)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY DOCKET NO. 198462US23		SERIAL NO. 09/768,623	
LIST OF REFERENCES CITED BY APPLICANT		APPLICANT		Paul SUMMER, et al.			
		FILING DATE		January 25, 2001		GROUP	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA	3,991,517	11/16/76	LEWIS			
	AB	5,204,102	04/20/93	COLES, et al.			
	AC	5,363,754	11/15/94	COLES, et al.			
	AD	5,750,466	05/12/98	WEDEGAERTNER, et al.			
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES	NO	
	AO						
	AP						
	AQ						
	AR						
	AS						
	AT						
	AU						
	AV						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)							
AW		Stoneville Pedigreed: Operations and Quality. "http://www.stoneville.com/products/stoneville_pedigreed/quality_assurance.html", August 7, 2000.					
AX							
AY							
AZ							
Examiner					Date Considered		
<small>*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</small>							



Stoneville Pedigreed

Operations and Quality

FILED 6/25/01

[Varieties](#) | [Management](#) | [Research & Development](#)
[Operations and Quality](#)



[Welcome](#)

[Field Production](#)



[Company Info](#)

[Operations](#)



[News](#)

[Quality Assurance](#)



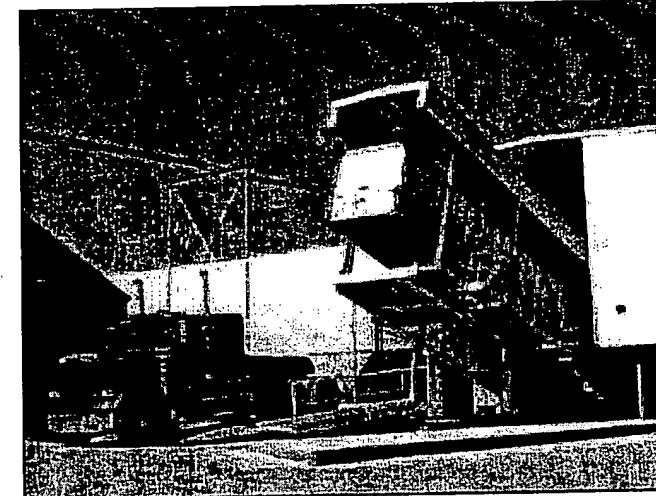
[Products](#)

Field Production

Stoneville works with both gin groups and cotton growers to consistently produce seed of the highest quality for Stoneville customers. Seed production is carried out in production areas in Louisiana, Arkansas, Mississippi, Texas, Arizona, California and overseas. Field production is the first critical step in the production of seed that is genetically pure and is free of weed seed, inert matter and has a high germination and vigor. Seed cotton crops need to be managed different than normal cotton production.



[Site Map](#)



[Seed Production](#)

Stoneville has a long association with key growers. Some Stoneville growers have been in the seed program for 40 years. This long term relationship lends stability to the elements that are necessary for top seed production.

Biotechnology is bringing new challenges to field

production. In order to meet the needs of a demanding market place, winter seed production is used to speed up the production process. Seed of key new varieties is produced in southern climates such as South Africa during our winters, harvested and shipped back to the U.S. just in time to plant the seed crops.

New products such as BXN and Roundup Ready herbicide resistant varieties along with Bt or Bollgard products require new field production practices to ensure genetic purity. Key steps in the field production systems such as avoiding fields with other cotton varieties have been produced in the past, isolation from other varieties, pure seed stock seed sources, field inspection, module monitoring and mixture prevention procedures in handling the seed during planting and harvest are key to a successful field program. Roguing with the BXN Buctril system and Roundup Ready varieties requires new steps in the field production programs to assure good genetic purity for the cotton producer.

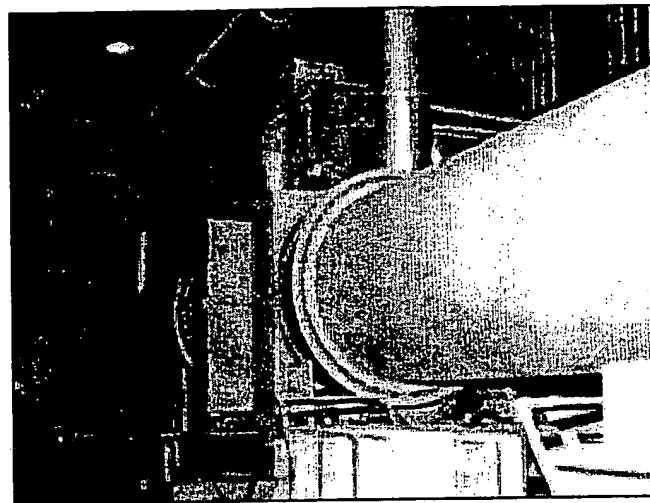
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Operations

Stoneville has operation facilities in Maricopa, Arizona; Big Spring, Texas and Stoneville, Mississippi. These facilities consist of bulk storage warehouses to hold "fuzzy cotton seed," bag storage warehouses, and seed processing equipment. The main function of these facilities is seed storage and preparation of the seed for planting.

Because gin-run cotton seed are covered by fuzzy fibers (linters), the seeds tend to clump together into a mass and can not be accurately planted. At the operation facilities the linters are removed by a process called delinting. Stoneville uses a process called dilute wet acid delinting to remove the linters from the seed at the Arizona and Mississippi locations. This process employs a dilute solution of sulfuric acid that is applied to the fuzzy cotton seed followed by increasing the temperature and drying the seed so that the linters can be removed by buffing. After the seed has been delinted a neutralization process is used to adjust the pH of the seed.

The delinting process is complicated and control of seed moisture, airflow, delinting temperatures and knowledge of the seed varieties being delinted is of utmost importance to prevent loss of germination and vigor during the delinting process.



After the seed has been delinted it is cleaned with a series of machines using screens that size the seed and air systems that separate out the light seed. Next the seed is treated and packaged in 50 lb. bags for sale. Seed treatment chemicals are applied to prevent damage to the seed by insects during storage. More important for the seed treatments is the protection of the seed and seedling in the field from seedling diseases.



[\[Back to the Top\]](#)

Quality Assurance

The mission of stoneville's quality assurance is to ensure that all planting seed marketed by Stoneville meets or exceeds customer expectations.

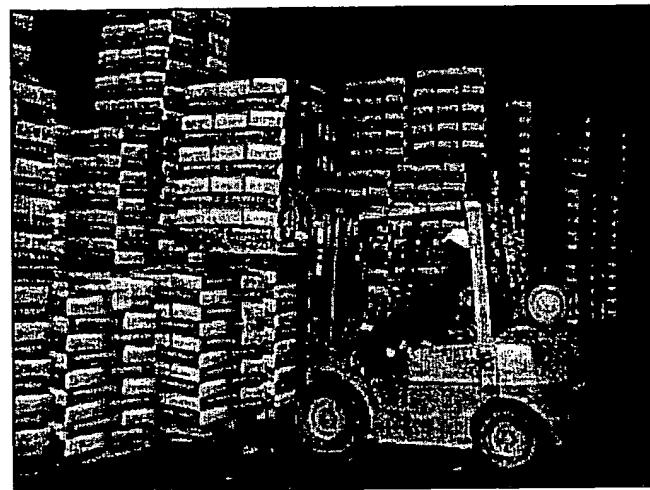
Stoneville's quality assurance program is tied hand-in-hand with the seed stocks field and operational production systems. This is done so that the process of producing quality seed is closely controlled. The whole process starts with variety development and works down through seedstock production and into commercial production of Stoneville seed.

New biotechnology has brought new challenges to seed production quality control. Genetic traits such as Bollgard, BXN and Roundup herbicide resistance require a whole new set of testing requirements. Diagnostic tests using enzyme-linked immunoassays are now being used as seed grows in the field and as seed is received from production fields and packaged. Bioassay tests for these traits are also being used to evaluate seed for trueness to type and transgenic purity.



Behind the scenes, Stoneville has a quality staff that samples and evaluates each load of seed as it is received for bulk storage. Seed moisture, temperature, mechanical damage, seed maturity, contaminates, genetic trueness to type and free fatty acid are conducted during several phases of the operation. If the seed passes this series of tests, it is accepted into Stoneville's bulk storage facilities.

During and after the seed is delinted, cleaned, treated and bagged, it is tested for quality. Germination and a cool test are used to evaluate the viability and ability to withstand cool planting conditions. After the tests are complete they are reviewed by Stoneville's registered seed technologist and if all factors are of good quality the seed is released for shipment to customers.



[\[Back to the Top\]](#)

[Varieties](#) | [Management](#) | [Research & Development](#)
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